

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Yasushi YOKOMITSU, et al.

Art Unit: 2455

Application No.: 10/760,552

Examiner: F. Hamza

Filed: January 21, 2004

Conf. No.: 8634

For: A SERVER

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

In response to the pending Election of Species Requirement, the Applicants hereby elect Species I, corresponding to claims 1-3, and 6-20.

Applicants respectfully request withdrawal of the Election of Species Requirement.

The Applicants note that claim 1 comprises three features:

(1) a port management means, which requests the relay device to assign a predetermined port number for a representative server and which is assigned a port number by the relay device,

(2) wherein the port management means acquires the wide area network address of the relay device and port mapping information in case the port management means is registered to the predetermined port address and,

(3) wherein the port management means provides the address/port information on other servers in response to an access from a wide area network.

Feature (1) is supported by Figs. 3 and 5. Feature (2) is supported by Figs. 4 and 5. Feature (3) is supported by Figs. 6 and 7.

The Species identified in the office action are: (1) Fig. 4, a server, relay device and port management means which acquires the wide area network address of the relay device and port mapping information, (2) Fig. 9, server, relay device and port management means which makes a port mapping inquiry to other servers subordinate to the relay device, and (3) Figs. 6 and 7, a server connected to a second network of a relay device which transfers packets from its first network to its second network in accordance with a destination port number, and acquires the port assignment information on other servers from the relay device to generate display information including the port assignment information and transmit the display information in response to an access from the first network via the relay device.

Given that claim 1 is supported by the combination of Figs. 3, 4, 5, 6 and 7, i.e., subject matter of both Species 1 and 3, it is submitted that these Species should be merged into one Species to which claims 1-3, and 6-20 are directed. Accordingly, withdrawal of the present election of species is deemed to be warranted for at least this reason.

Furthermore, no unduly extensive or burdensome search would be required to examine the various claims of the noted Species in the same application. MPEP §803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner *must* examine it on the merits even though it includes claims to distinct or independent inventions." (Emphasis added)

In the present case, the search for all pending claims together would not be burdensome.

Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Election of Species Requirement is maintained, it is clear that there is substantially more burden on Applicants by imposing the present Election than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Species to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Election of Species Requirement is warranted.

Reconsideration and withdrawal of the Election of Species Requirement are respectfully requested.

Respectfully submitted,

/James Edward Ledbetter/

Date: November 28, 2008

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